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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,846	06/14/1999	GEORGE W. LANDRY	MPS/30	3404

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/332,846

Applicant(s)

LANDRY, GEORGE W.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/9/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-56 and 74-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-56 and 74-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communication filed on 5/15/20002. Claims 42-56 and 74-88 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 74 recites the limitation "the entity performing the method" in line 9. here is insufficient antecedent basis for this limitation in the claim. For purpose of the examination no patentable weight will be given to that feature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 42-56, and 74-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of Pickering(5,483,445 hereinafter Pickering).

With respect to claims 42, 43, 46-49, 55, 74, 75, 78, 79, 80, 81, 87 Lawlor teaches a bill paying system (Abstract); storage for payee information (Figures 2, 12-14 and col. 20, lines 66-67; col. 33, lines 3-22); storage for payor information, the payor information identifying one or more payees authorized by the payor to receive transfers of funds from the payor, and including control parameters defining the manner in which

transfers of funds are to be performed (col. 33, lines 3-7 and the customer pre-selects the bank account wherein the money can be transferred from)(figure 22); a payee communications interface receiving for use by the system, bill data delivered from a payee to the payment system (i.e. the payor gets a bill for a certain amount due on a certain day and then he can electronically delivered the bill to the system, the bill information is coming from the payee therefore the system is receiving data that comes from a payee)(col. 10, lines 66-68). With respect to electronically delivering the bill, since, Lawlor is a computerized billing system then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included electronically delivering the bill because such a modification would speed the receiving of the bill; the date of the transfer for at least one bill being determined absent payor intervention based on at least one bill data for the bill, stored payor information and stored payee information, without regard to the due dates of other payees (i.e. Lawlor allows for periodic payments based on payor's information. The payor inputs the beginning date and the period based on the bill information(weekly, monthly...) for the bills and then the computer actually calculates the date for payment by itself, the calculation itself being done absent any intervention based on the beginning date and the period(see col. 46, lines 31+).

With respect to generating an electronic transfer message when transferring funds from a payor to a payee. Pickering teaches a funds interface generating an electronic funds transfer messages to the payee and to the payor (col. 8, lines 1-23). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to have sent an electronic transfer message to the consumer and/or merchant of Lawlor because such a modification would confirm the transaction to the parties involved.

Claims 50 and 82 recite that the payee is identified by an identifier. Lawlor teaches identifying a payee by name (col. 10, lines 66-68). Lawlor does not specifically teach identifying a payee by an identifier. Official notice is taken that is old and well known to use identifier for bearing identifying information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included using a payee identifier because such a modification would provide a faster easier, more reliable way of identification.

Claims 51 and 83 further recite that the stored payor information includes a financial account number that corresponds to a government account. It is obvious and well known for payor to make payments to government's entity as part of a court order or the like. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a financial account number that corresponds to a government account because such a modification would allow expansion of the system.

With respect to claims 52 and 84, Lawlor further teaches storage for bill records corresponding to generated electronic funds transfer messages (Figures 13-21); a payer communication interface presenting stored bill records to a payer so that a payer may review an account of fund transfer activity (Figures 13-21).

Claims 53-54 and 85-86 further recite receiving a reversal from a payer corresponding to a reverseable stored bill record and reversing the of transferring funds that corresponds to the identified reverseable bill record if the reverse request it's received within the provisional time period.

Since, Lawlor teaches that the payor can review and revised previously paid bills (see Figure 17A) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included reversing the transfer of funds to reflect the reversal action.

With respect to allowing the reversal if it falls within the provisional time period. It is old and well known for companies to have a tentative period in which the customers can make changes or cancellations. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included allowing the reversal of the payments if it falls within the provisional time period because such a modification would allow better control of the transaction taken place.

With respect to claims 56 and 88, Lawlor further teaches modifying the payee information for the payee in response to the content of the payee control message (i.e. the information for the payee can be reviewed, revised and modified)(Figures 13-21).

Claims 44 and 76 further recite preventing transfer of funds which exceeds the maximum amount specified by the payor. Lawlor teaches that the payor sets the actual payments amounts and since it is old and well known in the computer related arts to have systems in which an error message is generated to let the user know that the system has encounter a problem and that it cannot proceed then it would have been

obvious to a person of ordinary skill in the art at the time of Applicant's invention to have prevent transfer of funds if the amount does not correspond to the amount specified by the payor because such a modification would avoid unspecified transactions.

Claims 45 and 77 further recite preventing transfer of funds which exceeds the minimum date specified by the payor (i.e. the payor establishes the time frame of when the transfer can take place) therefore a minimum date is set of when the transfer of fund can be and can not be processed.

Response to Arguments

4. Applicant's arguments filed 5/9/2002 have been fully considered but they are not persuasive.

In claim 42, the claim is a system claim, the payee communication interface and the funds transfer interface are all part of the bill paying system and since no payee terminal is claimed, there is no change to the system by who the bill data is received from. The payee communication interface is part of the bill payment system and since, no structure payee component is claimed (such as a payee terminal or the like) , the payee interface doesn't impact any structure difference to the bill payment system as claimed.

In claim 74, since there is no antecedent basis for the entity performing the method. The claim can be construed to receiving bill data that comes from a payee. In Lawlor, the bill data that the payor sends to the service provider is a bill from a payee, therefore Lawlor teaches that the payment receives bill data that comes from a payee.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

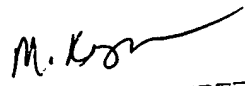
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Points Of Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


MELANIE A. KEMPER
PRIMARY EXAMINER

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R.A.
7/25/02